

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1: Photo-listing of Children Awaiting Permanency

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 8, 2017, as follows:

Office Building # 8
744 P Street, Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 8, 2017.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286 E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP), Chapters 35000, 35011, 35015, 35017 and 35019

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations are necessary to implement one mandate of Senate Bill (SB) 1013, Chapter 20, Statutes of 2012, which amended the prior Assembly Bill (AB) 2773, Chapter 1056, Statutes of 1998, changing the term "adoption agency" to "county adoption agencies and licensed adoption agencies" regarding photo-listing of children awaiting permanency of adoption in accordance with Family Code section 8707.

The CDSS contract vendor maintains child specific information posted on general media as a means of recruiting prospective adoptive parents when children are free for adoption or have in place a permanent plan of adoption.

These regulations are necessary to promote the best interest of children in out-of-home care by ensuring that children have permanent, safe and loving homes. These regulations comply with the provisions from noted state legislative bills.

The intent of the proposed regulations is to comply with recruitment provisions from state legislative bills and federal Public Laws to increase the number of prospective adoptive or foster families to provide permanency for children.

The anticipated benefit of these regulations is to comply with state law. Regulations raise awareness about the need for adoptive and foster families for children by means of photo-listing of children on social media and diligent recruitment.

The proposed regulations also amend the Title 22, Division 2, Chapter 3 regulations of the MPP by adopting SB 1013 and by adding the term "department." The photo-listing service applies to all public and private adoption agencies, including the CDSS regional offices. These proposed regulations adopt new and amended language for Sections, 35015, 35017 and 35019.

The Department conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with photo-listing of children awaiting permanency. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. They are consistent with the intent of the Legislature in adopting SB 1013.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies and school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In addition, the other regulation changes will renumber and add technical language to create regulations that are easier to understand.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business, including a public adoption agency or a licensed adoption agency, would necessarily incur in reasonable compliance with the proposed action.”

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is little to no impact on small businesses such as a result of filing these regulations. Targeted recruitment is considered part of conducting everyday business for licensed adoption agencies and foster agencies in communities where families can be found that are likely to be a resource for the children and youth in their care. These regulations have no impact on county adoption agencies as they are funded by the state.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Section will provide clarity to direct foster care agencies to conduct recruitment activities for the purpose of promoting children and youth who need permanent homes.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CDSS has made an initial determination that there are no other reasonable alternatives than by implementing the statutory policy or other provision of law. The CDSS shall adopt regulations to implement and interpret Family Code provisions in accordance with Public Law (PL) 103-82 and PL 104-188. In adopting regulations under the proposed action, CDSS shall strive for clarity of language that may be understood by those adoption agencies and foster agencies and public social services staff who are subject to these regulations.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Family Code section 8707 and Government Code section 11346.5(a)(2) is being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

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| Contact Person: | Oliver Chu | (916) 657-2586 |
| Backup: | Sylvester Okeke | (916) 657-2586 |